

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL R. TURNER,
Petitioner,
v.
C. TAMPKINS,¹
Respondent.

No. 2:20-cv-1088 JAM KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Because petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner's habeas petition.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner's motion to proceed in forma pauperis is granted;

¹ C. Tampkins, Gower, current warden of the California Rehabilitation Center, is substituted as respondent. Fed. R. Civ. P. 25(d); see Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).


1 2. Respondent is directed to file a response to petitioner's habeas petition within sixty
2 days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be
3 accompanied by all transcripts and other documents relevant to the issues presented in the
4 petition. See Rule 5, 28 U.S.C. foll. § 2254;

5 3. If the response to the habeas petition is an answer, petitioner's reply, if any, shall be
6 filed and served within thirty days after service of the answer;

7 4. If the response to the habeas petition is a motion, petitioner's opposition or statement
8 of non-opposition to the motion shall be filed and served within thirty days after service of the
9 motion, and respondent's reply, if any, shall be filed and served within fourteen days thereafter;
10 and

11 5. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed
12 Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus
13 pursuant to 28 U.S.C. § 2254 on Tami Krenzin, Supervising Deputy Attorney General.

14 Dated: July 6, 2020

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE

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